IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION..

WRIT PETITION NO. 2886 OF 2004 .

M/s Duwell Agencies ... Petitioner.
V/s.
The State represented by
Labour Enforcement Officer,
(Central) and ors. ... Respondents.

Shri R.G. Ketkar with R.M. Pethe for the petitioner.

Shri D.A. Dubeyu i/b S.S. Sarkar for respondent No.2.

CORAM : V.C.DAGA, J.

DATED : 19.4.2006.

P.C. :

. Heard learned Counsel for the rival parties.

2. The only contention canvassed by the learned Counsel for petitioner is that it was obligatory on the part of the authority while passing impugned order to consider the reply fild by them. The submission is devoid of any substance. Reply has been taken into account by the authority passing the order which is clear from the impugned order. Based on the reply issue was struck; which can be seen from para 3 of the impugned order.

3. The petitioner did not produce any evidence either before the Authority who decided the matter under the Minimum Wages Act or this Court to

substantiate submission sought to be advanced.

Reply by itself cannot be treated as evidence.

4. The impugned order, if read, it demonstrates that it is based on appreciation of material on record in the form of inspection report submitted by the inspector and the factual aspects noticed by him during the course of inspction.

5. In the above circumtances, one has to reach to the conclusion that the view taken by the authority below is a reasonable and possible view. Petitioner could not demonstrate any perveresity in the impugned order by placing concrete material before this Court. No case is made out to interfere with the impugned order in the writ jurisdiction of this Court.

6. Petition is thus devoid of any substance. In the result, petition is dismissed in limine with no order as to costs.

(V.C.DAGA,J.)